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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

NOV 15 PM 4: ?

THOMAS J. COOK
CLERK, U.S. DISTRICT COURT
W.D. OF TN NOV 15 2008

Bernice Walton
123 Champa Ave.
Memphis, TN 38109

(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. _____

Kellogg's
585 Morrison Rd.
Rossville, TN 38066

(Name of defendant or defendants)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, Bernice Walton
(name of plaintiff)

is a citizen of the United States and resides at 123 Champa Ave.
(street address)

Memphis U.S.A. TN.
(city) (country) (state)
38109 901 336 9763
(zip code) (telephone number)

3. Defendant Kellogg's Frozen Foods
(defendant's name)

lives at, or its business is located at 585 Morrison Rd.
Rossville, TN.
(street address)

4. Plaintiff sought employment from the defendant or was employed by the defendant at

585 Morrison Rd.

Rossville U.S.A. (street address) TN. 38066
(city) (country) (state) (zip code)

5. Defendant discriminated against plaintiff in the manner indicated in paragraph 9 of this complaint on or about 7 2009

(day)

(month)

(year)

6. Defendant filed charges against the defendant with the Tennessee Fair Employment Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about _____

(day)

(month)

(year)

7. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 5 5 2010

(day)

(month)

(year)

8. The Equal Employment Opportunity Commission issued a Notice of Right to Sue, which was received by plaintiff on 15 08 2011. (Attach a copy of the notice to this complaint.)

9. Because of plaintiff's (1) ____ race, (2) ____ color, (3) ____ sex, (4) ____ religion, (5) ____ national origin, defendant

(a) ____ failed to employ plaintiff.

(b) / terminated plaintiff's employment.

(c) ____ failed to promote plaintiff.

(d) _____

Answer to question 10.

10. The circumstances under which defendant discriminated against plaintiff were as follows:

I was told by Kellogg's nurse, Gwen W. Moore, that carpel tunnel was no longer recognized under Worker's Compensation at Kellogg's. Other people with carpel tunnel was recognized. A shop stewardess told me that the nurse told her it depended on the person. I was not offered another position. One person that I know had carpel tunnel could not go back to the stacker but had an opportunity to go to another job and she is still working there. I was told I had to wait 6 months by the nurse for my Fit to Work Duty. I later found out that was not true. I know everyone did not have to go and take the test after being off work for 30 days. I know of 1 person who got hurt at work and Kellogg's allowed that person to come to work and do light duty and sit in the break room. I did a grievance and I never got any feedback from Kellogg's other than it was turned over to Worker's Compensation.

10. The circumstances under which defendant discriminated against plaintiff were as follows: See attachment

DR. BRICK also put statements on my Fit for Duty paper that was not true. I just read the paper work today. One employee went out with her hand; DR. BRICK was putting the blame on her knees & legs for her not to come back to work. He in part blaming my shoulder for not going back to work. I didn't go out for my shoulder. I went out for my hand. Other employees were suspended over & over again & is still there. WORKed there 19 years and was never suspended.

11. The acts set forth in paragraph 9 of this complaint

- (a) are still being committed by defendant.
- (b) are no longer being committed by defendant.
- (c) ✓ may still be being committed by defendant.

12. Please attach to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission, which are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) Defendant be directed to employ plaintiff, or
- (b) ✓ Defendant be directed to re-employ plaintiff, or
- (c) Defendant be directed to promote plaintiff, or;
- (d) ✓ Defendant be directed to Re employ with full benefits, seniority, vacations ect.

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

13. I would like to have my case tried by a jury. Yes No

At the present time I really don't know.

Bernice Walton

SIGNATURE OF PLAINTIFF